

6:30 P.M.

NEW BUSINESS:

Review Petition 12-13 Tax Parcel # 1900-500-087 also known as 109 Baltimore Ave.

Doug Goldberg introduced himself as an employee of Tupp Signs, and stated they are the sign contractor working with B-Safe Security to put up the sign. He went on to say that they want to put the sign at a height that would make it visible from the bridge. He stated that if they were to put it at the allowable height of 20' above grade, it would cover an exhaust vent coming from the owner's bathroom. He went on to say the cost would be greater to put the sign there because they would need to relocate the ventilation system.

Board Member Boyd asked why Mr. Goldberg was back before the Board, stating that she felt he's back for the same thing they approved the previous meeting.

Mr. Goldberg stated that now the variance he's asking for is to place the sign at a height of 26' as opposed to the 24' in the previous application because the proposed lighting would essentially add 2' to the height of the sign.

Code Officer Swift stated that Mr. Goldberg is asking the Board to allow him to expand on the previously approved variance which is not allowed in a non-conforming lot. He went on to say that the applicant needs to prove a hardship and he's using the same hardships he used in the previous meeting. He then questioned if the applicant is allowed to use the hardship.

Chairman Chalfant asked if the Planning Commission questioned that.

Mr. Swift stated that he's not sure if they questioned it, but said the Planning Commission did recommend to the Board that they approve the petition.

Councilman Steven Burg stated that the Board Members approved the previous petition based on the applicant's hardships and stated that the sign was approved to be lit internally, and therefore, the lighting issue can no longer be used as a hardship.

Town Manager John Giles stated that the Board gave the applicant relief from a hardship last month and now the applicant is back asking to expand on that non-conforming issue. He said someone cannot create their own hardship and stated he's opposed to approval of the petition.

Board Member Personti stated he feels the hardship is still there.

Mr. Giles said the only reason it still exists is because the applicant did not put up the sign that was previously approved.

Board Member Boyd stated that she feels that Mr. Giles is taking the stance to punish the applicant because he wants to change his design.

Mr. Giles said that's not what he's trying to do. He stated that Mr. Goldberg stated that the business owner wanted the sign to be lit in order to be visible at night, and last month, the Board approved an internally-lit sign, therefore, the hardship of lighting no longer exists. He went on to say that they also approved a variance to allow the sign to be placed at 24' and that he could accomplish what he wanted with the previously approved variance. He said the sign now could be lit internally, and be placed at a height of 24', in order to be visible from the road as well as at night.

ACTION: A motion was made by Board Member Smith to Deny Petition 12-13. The motion was seconded by Chairman Chalfant.

VOTE: 3 in favor - 1 opposed - 1 Absent Motion Carried

Chairman Chalfant stated that Petitions 12-16 & 12-17 were resolved outside the chambers before the meeting, and therefore would not be discussed.

Review Petition 12-15 Tax Parcel # 1900-400-660 also known as 270 Birch Ave.

Kathy Melcher, the owner of the rental property, appeared before the Board and presented her reason for filing the appeal of the citation. In addition to Mrs. Melcher, the Board heard testimony from others including Town Officials.

The Citation # V2-00079 was issued on May 18, 2012, and alleged a violation of section 302.4 of the 2000 International Property Maintenance Code (All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Boyd made a motion to approve the appeal of Citation # V2-00079, which was seconded by Board Member Personti. A vote was taken and 3 Board Members in attendance voted in favor of the motion and 1 was opposed. Therefore, the appeal of this citation was granted.

ACTION: A motion was made by Board Member Boyd to Approve Petition 12-15. The motion was seconded by Board Member Personti.

VOTE: 3 in favor - 1 opposed - 1 Absent Motion Carried

Board of Adjustment Minutes
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These minutes summarize the agenda items and other issues discussed at the June 26, 2012 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECRETARY